

UNITED STATE DISTRICT COURT
DISTRICT OF DELAWARE

Anibal Melendez }
V.
State of Delaware }

10 DC 0104020054
CIV. NO. 04-1537-SLR

REPLY BRIEF



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Ground I

Is correct that I am incarcerated on the above mentioned charges and receive the sentence as stated.

Ground II

The facts presented by the district Attorney has no factual basis in the record to support this assertion: the Court cannot indicate that nothing of this non-scene took place, and in fact the state has failed to provide the transcripts of this case as order by this Court

Ground III

federal court should entertain this petition for habeas relief on the grounds that the defendants confinement violates the constitution, laws of the united states that raise the level of fundamental defect which inherently results in a complete miscarriage of justice" or is inconsistent with fair procedure". six amendment claim of ineffective assistance

of Counsel are cognizable issue by this court.

Lead Counsel had a working relationship with the victim's mother that effect the proceeding of this case throughout pre-trial, plea negotiation, and sentencing phase, that resulted in defendant placing an involuntary plea of guilt and receiving a 48 years term of incarceration, meeting the two prong test of Strickland v. Washington, 466 US 668, 695 (1984).

On this specification of neglectiveness, therefore the state court unreasonable applied Strickland two prong test and rejected any notion that defense counsel's representation was concluded by a conflict of interest due to his friendship with the victim's mother.

Defendant established performance deficiency and prejudice within the meaning of Strickland, and thus the rejection of defendant's claim by the state courts was an unreasonable application of federal law within the meaning of § 2254(d).

As a result, by the term of § 2254(d)(1) Defendant's Claims provide a basis for federal habeas relief.

CONCLUSION

for the foregoing reasons, the petition for writ of habeas corpus should be ~~granted~~ or remanded for further proceedings



D.C.C.

Smyrna Ga 30777


Date: 5/26/05

CERTIFICATE OF SERVICE

*205 USM for motion
Motion for production*
I Amibal Melendez (herby) has rendered a copy of the reply brief
hands delivery first class US Mail on this May 5, 2005
to the following person

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